

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
Jambbas Ranch Tours, Inc.,)
Respondent)
Docket No.)
13-0248)
Complaint)



There is reason to believe that the respondent named herein willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Jambbas Ranch Tours, Incorporated hereafter referred to as the respondent, is a corporation with a business address of 5386 Tabor Church Road, Fayetteville, North Carolina 28312.

B. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

The respondent acknowledged in writing on its application for license renewal that it received the regulations and standards contained in 9 CFR, Subpart A, Parts 1,2 and 3. The Respondent's license number is 55-B-0177.

II

On or about March 15, 2010, the respondent failed to maintain programs of adequate veterinary care under the supervision and

assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

III

A. On or about May 20, 2010, APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40). B. On or about May 20, 2010, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

(1) Excreta was not removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors (9 C.F.R. § 3.131 (a)).

IV

On or about September 2, 2010, the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

V

A. On December 14, 2010, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

(1) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned was not provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals (9 C.F.R. § 3.127(b)).

VI

On January 21, 2011, APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40) including, but not limited to failing to provide veterinary care to two goats, one of which was found dead.

VII

On February 14, 2011, APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

VIII

On January 4, 2012, APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

IX

A. On November 16, 2012, APHIS inspected respondent's premises and found that the respondent failed to maintain programs of adequate

veterinary care under the supervision and assistance of a doctor of veterinary medicine, in willful violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

B. On November 16, 2012, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

(1) Food receptacles were not kept clean and sanitized at least once every 2 weeks (9 C.F.R. § 3.54(b));

(2) All watering receptacles were not sanitized when dirty (9 C.F.R. § 3.55);

(3) Primary enclosures for rabbits were not sanitized at least once every 30 days in the manner provided in paragraph (b)(3) of 9 C.F.R. Part 3 Standards (9 C.F.R. § 3.56(b)(1));

(4) The facility was not constructed of such material and of such strength as appropriate for the animals involved and was not maintained in good repair to protect the animals from injury and contain the animals (9 C.F.R. § 3.125(a)); and

(5) The water receptacle for an animal was not kept clean and sanitary (9 C.F.R. § 3.130).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the

Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and


2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

- (a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Suspending the respondent's license or permanently revoking the respondent's license under the Act.

Done at Washington, D.C.
this 14th day of May, 20


Acting Administrator
Animal and Plant Health
Inspection Service

Sharlene Deskins
Attorney for Complainant
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-2595

Sincerely,



L. Eugene Whitfield
Hearing Clerk

Enclosures:

cc: Sharlene Deskens, OGC
Jo A. Brown, APHIS

fccangeles/5/28/2013